



Vanuatu

Country Reports on Human Rights Practices - [2002](#)

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Vanuatu, a small South Pacific island nation that gained independence from Britain and France in 1980, has a parliamentary form of government. The Constitution provides for parliamentary elections based on universal suffrage every 4 years, through which citizens may freely change their government. The 52-member Parliament elects the Prime Minister as the Head of the Government and the President, who is the Head of State. The latter's powers are largely ceremonial, except when appointing judges or acting on the advice of the Council of Ministers, who are appointed by the Prime Minister. Political legitimacy is based on majority rule. Parliamentary majorities have been unstable. The judiciary is generally independent of executive interference.

The civilian authorities generally control the small police force and its paramilitary wing, the Vanuatu Mobile Force (VMF); however, police officials have on occasion acted peremptorily. The Police Commissioner commands the entire force, including the VMF.

Subsistence farming and fishing were the principal livelihoods for more than 80 percent of a population of approximately 200,000. There was also cattle farming and some production of cash crops such as copra and cocoa. The service sector represented the largest component of the country's gross domestic product (GDP) and provided most formal employment, primarily in government, tourism, and an offshore financial sector. Per capita GDP was estimated at \$1,300, an amount some academic observers believe has not increased since independence.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas, including poor prison conditions, arrests without warrants, an extremely slow judicial process, and violence and discrimination against women. Vanuatu was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional provisions prohibit such practices, and there were no reports that government officials employed them.

Prison conditions were poor. Approximately 30 prisoners were held in the dilapidated central prison in Port Vila; security at this facility was poor. The sole female prisoner was held at the barracks for female police officers.

Inmates were treated humanely to the extent allowed, given the meager resources of the prison system. The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these provisions in practice. The constitutional provision that suspects must be informed of the charges against them and given a speedy hearing before a judge is observed in practice. A system of bail operates effectively and lengthy pretrial detention was not generally a problem. A warrant issued by the court is required for an arrest; however, there were some arrests without warrants during the year.

On August 4, 15 senior government officials—including the Police Commissioner and the Attorney General—were arrested without a warrant on charges of seditious conspiracy in connection with the appointment of a new Police Commissioner. They were released that same day. The Chief Justice of the Supreme Court subsequently ruled that the appointment procedure had been unfair and that recruitment should recommence. The Prime Minister condemned the police action as illegal, and courts issued arrest warrants for the Deputy Police Commissioner, who had ordered the arrests, as well as 26 other police officers, on charges of mutiny. The Deputy and three other senior police officers were convicted of mutiny. In 2001 the Government deported a leading newspaper publisher without notice; however, the Supreme Court overturned the deportation (see Section 2.a.).

The Constitution does not prohibit forced exile, but the Government did not employ the practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. Judges cannot be removed without cause. There were no reports of interference with the judiciary by this Government. The judiciary generally provided citizens with a fair judicial process. However, the judiciary was relatively weak and inefficient, and some defendants spent extended periods in pretrial detention as a result.

Magistrates' courts deal with most routine legal matters. There is a Supreme Court; however, an Appeals Court is the highest national court. This Appeals Court has three judges, two appointed by the President and one chosen from among the Supreme Court judges of other South Pacific nations.

The judicial system is based on British law. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right of judicial determination of the validity of arrest or detention, and a right of appeal to a higher court.

Judges, prosecutors, and the police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. Years can pass before a case is brought to trial. Procedures were changed during 2000 to allow the Public Prosecutor more frequent presentation of new cases to the magistrates; however, this procedural change did not significantly expedite judicial processing.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution (or the law) prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Government controls much of the country's media, including a weekly newspaper, one AM and one FM radio station, and a limited-service television station that broadcasts only to the capital of Port Vila. The television station provided English and French news service three times weekly. There was one independent newspaper published semiweekly, a privately owned weekly newspaper, and another weekly newspaper published by a political party.

During the year, most international correspondents, government-owned media, and the independent press reported criticisms of political leaders freely and apparently without hindrance. However, in January 2001 the Government ordered the deportation of a leading newspaper publisher, Mark Neil-Jones of the Trading Post, charging that he had revealed state secrets in his political coverage of government corruption. The Ombudsman and the leader of the opposition criticized the deportation, which was overturned by the Acting Chief Justice a week after Neil-Jones departed. The Acting Chief Justice ordered the Government to allow the publisher to return and resume his work, and he has done so. At times some individual politicians and their supporters have threatened the media, but with no apparent effect on press freedom.

The Government did not limit access to the Internet; however, few citizens could afford computers or access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Missionaries of various Christian denominations worked without restriction. The Government provided some financial help for the construction of churches for Vanuatu Christian Council members, provided grants to church-operated schools, and paid teachers' salaries at church-operated schools in existence since the country's independence in 1980. These benefits were not available to non-Christian religious organizations. Government schools also scheduled time each week for religious education conducted by representatives of Council churches. Students whose parents did not wish them to attend the class were excused. However, non-Christian religions were not permitted to give religious instruction in the public schools.

In 1995 in response to concerns expressed by some established churches regarding the activities of new missionary groups, such as the Holiness Fellowship, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints, Parliament passed a Religious Bodies Act that required religious organizations to register with the Government. However, the President never signed the act, and it has never been enforced. While there has been no effort to repeal the act, it was not regarded as inhibiting religious practice. A few churches registered with the Government voluntarily, and a few church representatives believe that the Religious Bodies Act had a chilling effect on new missionary activity.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum has never arisen. There were no refugee cases reported during the year. The Government has no association with the U.N. High Commissioner for Refugees. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for parliamentary elections based on universal suffrage every 4 years, through which citizens may freely change their government. The 52-member Parliament elects the Prime Minister as the Head of Government and the President, who is the Head of State. The President's powers are largely ceremonial except when appointing judges and acting on the advice of the Council of Ministers. Parliamentary majorities have been unstable, with frequent votes of confidence. National elections held in April were considered generally free and fair. A total of 256 candidates contested the 52 seats. Voter turnout was 63.5 percent. Incumbent Prime Minister Edward Natapei of the Vanua'aku Party assembled a coalition parliamentary majority and formed the Government.

Traditional attitudes regarding male dominance and customary familial roles hampered women's participation in economic and political life. There were no women in the previous Parliament; however, voters elected two women in the last general elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the formation of local human rights organizations. Some nongovernmental organizations (NGOs), such as the National Council of Women and the Family Health Association, included human rights education as part of their programs.

A number of domestic and international human rights groups, such as Transparency International, operated without government restriction; they investigated and published their findings on human rights cases. Government officials tolerated their views.

In 1998 Parliament passed an Ombudsman's Act in the wake of parliamentary anger over the previous Ombudsman's vigorous investigations of official corruption. Among other provisions, the new act required that the Public Service Commission, not the Ombudsman, appoint members of the Ombudsman's staff and authorized the presence of legal counsel during interviews with the Ombudsman.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, place of origin, religious or traditional beliefs, political opinions, language, or sex; however, women remained victims of discrimination in the tradition-based society.

Women

Violence against women, particularly wife beating, was common, although no accurate statistics exist. There are no specific laws against wife beating; courts occasionally prosecuted offenders using common law assault as a basis for prosecution. However, most cases of violence against women, including rape, went unreported because women, particularly in rural areas, were ignorant of their rights or feared further abuse. Spousal rape is not a crime, and police were frequently reluctant to intervene in what were considered domestic matters. There were no government programs to address domestic violence, and media attention to the abuse was limited.

Prostitution is illegal, and was not regarded as a serious problem. Although there is no law against sex tourism, none has been reported. Sexual harassment is not illegal, and was a problem. However, it was not a priority for the police and judiciary.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. During 2000, a disproportionate number of women's positions were abolished during downsizing of the public service sector. During 2000, as part of the Government's reform program, policies were drafted to guide the Department of Home Affairs in protecting and furthering the rights of women; however, these have not been implemented.

The majority of women entered into marriage through "bride-price payment," a practice that has encouraged men to view women as property. Women also were barred by tradition from land ownership, and at least one women's advocate believed this restriction reinforced their secondary status. Many female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women. Women interested in running for public office received encouragement and help from the NGO Vanuatu Women in Politics.

Children

Access to education was limited, and school attendance was not compulsory. Few children advanced beyond elementary school. Boys tended to receive more education than girls. A significant portion of the population, perhaps as high as 50 percent, was functionally illiterate.

Medical services were free, and there was a program of immunization; however, the Government had few resources for medical care, particularly in outlying provinces where there were no hospitals.

Child abuse was not extensive; however, the Government did little to combat the problem. NGOs and law enforcement agencies reported increased complaints of incest and rape of children in recent years but no statistics were available.

Children generally were protected within the traditional extended family system. Members of the extended family, particularly paternal uncles, played an active role in a child's development. As a result, virtually no children were homeless or abandoned.

Persons with Disabilities

There was no governmental or national policy on persons with disabilities and no legislation mandating access to buildings for them. Their protection and care is left to the traditional extended family and to voluntary NGOs. Due to high rates of unemployment, there were few jobs available for persons with disabilities.

Persons with mental illness generally did not receive specialized care; they usually were attended by members of their extended families.

National/Racial/Ethnic Minorities

Most of the population is made up of Melanesians. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally were concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes and cannot be sold, although it is sometimes leased to others. However, within the limits of this system of land tenure, there were no reports of discrimination against noncitizens. There was no evidence of ethnic discrimination in the provision of the limited basic services that the Government provided.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to organize and join unions. There are no restrictions on this right.

Approximately 25,000 persons participated in the formal economy as wage earners. Combined union membership in the private and public sectors was approximately 1,000. All five existing trade unions are independent of the Government. They are grouped under an umbrella organization, the Vanuatu Council of Trade Unions (VCTU). There were no categories of workers who were not permitted to join unions.

The high percentage of the population still engaged in subsistence agriculture and fishing precluded extensive union activity. Unions may not affiliate with international labor federations without government permission. The VCTU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Unions exercise the right to organize and bargain collectively. Labor unions negotiate wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three-member arbitration board appointed by the Minister of Home Affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the Magistrate's Court. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reached agreement on wages without referring the matter to arbitration. Complaints of antiunion discrimination are referred to the Commissioner of Labor; however, none were reported during the year. While the law does not require union recognition, it prohibits antiunion discrimination once a union is recognized.

Membership in the Vanuatu Public Servants Union fell dramatically following the Government's dismissal of hundreds of full-time public servants during a protracted general strike in 1994.

The law prohibits retaliation if a strike is legal. In the case of private-sector employees, violations would be referred to the Labor Department for conciliation and arbitration. In the public sector, the Public Service Commission would handle violations. Unions are required by law to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers.

There was no significant strike activity during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits children under 12 years of age from working outside of family-owned agricultural production, where many children assisted their parents. The employment of children from 12 to 18 years of age was restricted by occupational category and conditions of labor, including employment in the shipping industry and nighttime employment. The Labor Department effectively enforced these laws.

The country has not ratified ILO Convention 182 on the worst abuses of child labor.

e. Acceptable Conditions of Work

A legislated minimum wage was enforced effectively by the Labor Department. Since 1995 it has been a flat rate of approximately \$143 (16,000 vatu) per month for both urban and rural workers. The minimum wage did not provide a decent standard of living for an urban worker and family. However, most families were not dependent solely on wages for their livelihood, supplementing incomes through subsistence farming.

Various laws regulated benefits such as sick leave, annual vacations, and other conditions of employment, such as a 44-hour maximum workweek that included at least one 24-hour rest period. The Employment Act, enforced by the Labor Department, includes provisions for safety standards. However, the safety and health law was inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Labor Department could not fully enforce the law. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

There were few foreign workers. Those present in the country were primarily managers, professionals, and entrepreneurs.

f. Trafficking in Persons

The Constitution and the law do not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.